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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,877	03/05/2002	Mark S. Kempisty	MATP-609US	6457

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EXAMINER	
NGUYEN, CHANH DUY	

ART UNIT	PAPER NUMBER
2675	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/090,877	KEMPISTY, MARK S.	
	Examiner	Art Unit	
	Chanh Nguyen	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Remarks

The remarks filed on July 21, 2004 has been entered and considered by examiner.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2, 5, 8-10, 14-15 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (U.S Application Publication No. 2003/0,159,146) in view of Shintano et al (U.S. Patent No. 6,532,492) .

As to claim1, Kim discloses a remote control system (110) for an electronic device (TV 112) including a processor (820, 827) in the electronic device (TV 112) that generates information to be displayed as an on-screen display (OSD); a transmitter in the electronic device that transmits the generated information (see page 3, paragraph 0040-0041) as a broad cast program information. Kim teaches a remote control unit (110) including a receiver (412) which receives the broadcast program information (see page 3, paragraphs 0040-0041 and page 4, paragraph 0063); a data processor (424) which processes the broadcast program information signal to generate the broadcast

program or EPG; and a display device(454) operably linked to the data processor (424) which displays the generated broadcast program or EPG; see Figure 4. Kim uses the tem broadcast program or EPG rather than the term on-screen display or OSD. It would have been obvious to one of ordinary skill in the art the electronic program guide (EPG) of Kim performs the same function as on-screen display (OSD) disclosed by applicant's device. Moreover, in the same field of endeavor, examiner cites the reference of Shintani teaches an electronic program guide or on-screen display (OSD) transmitted from a television set (101) to a remote controller unit (100) so that the OSD which obscures the picture on the television set is avoided (see column 4, line 54 through column 5, line 7). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used the OSD information of Shintani to the remote controller of Kim so that the OSD which obscures the picture on the television set is avoided (see column 4, line 54 through column 5, line 7 of Shintani).

As to claim 9, this claim differs from claim 1 in that claim 1 is apparatus whereas claim 9 is method. Thus, method claim 9 is analyzed as previously discussed with respect to apparatus claim 1 above.

As to claim 16, this claim differs from claim 9 in that the limitation computer program instruction for a remote control unit is additionally recited. Kim clearly teaches the remote controller (110) having CPU (424), ROM (442) which are included the program instruction.

As to claims 2, 10, 17, Kim teaches memories (444, 446) in the remote controller (110) . Thus, it is clear that memories (444, 446) use for storing either EPG information

or OSD information of Shintani as well as CPU (424) . This reads on the limitation the remote control unit memory for storing generic OSD data, wherein the data processor generates the OSD responsive to the OSD information signal and the generic OSD data.

As to claims 5, 15, Kim teaches a plurality of users (102, 108) coupled to television set (112) through a remote controller (110). The remote controller (110) can transmit program guide received from T.V set (112) to a users (102, 108). This reads on the limitation further display device, operably coupled to the electronic device and the processor of the electronic device is responsive to a command provided by the remote control unit to selectively suppress display of the OSD on the further display device as recited in the claim.

As to claims 8, 14, Kim clearly teaches OSD being electronic program guide information.

3. Claims 3-4, 11-12 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Shintani as applied to claim1 above, and further in view of Horton (U.S. Patent No. 5,969,770).

As to claims 3, 11 and 18, note the discussion of Kim and Shintani above, Kim and Shintani do not mention OSD bit map. Horton teaches the processor (1523) in the electronic device (TV) generates an OSD bitmap as the OSD information (see column 5, lines 15-65 . Combining Kim, Shintani and Horton would meet the claimed the remote control unit including a memory for storing the OSD bitmap since the OSD

information of Kim and Shintani can be transmitted from the electronic device to the remote control. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used bit map OSD as taught by Horton to the OSD information of Kim as modified by Shintani so that it can provide sophisticated OSD graphics such as animation without adding any extra cost or complexity of circuitry (see column 2, lines 36-42 of Horton.

As to claims 4, 12 and 19, combining Kim, Shintani and Horton would meet the claimed remote control unit down samples the OSD bitmap stored in the memory to produce a down sampled OSD for display on the display device since the OSD information of Kim and Shintani can be transmitted from the electronic device to the remote control.

4. Claims 6-7, 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Shintani as applied to claim1 above, and further in view of Dunaway (U.S. Patent No. 5,450,079).

As to claims 6, 13 and 20, note the discussion of Kim and Shintani above, Kim and Shintani do not mention OSD including menu information. Dunaway teaches the OSD information includes menu information (24-42) including a plurality of options (subsequent menus) and the remote control unit (10) further including an input device for selecting one option from among the plurality of options (subsequent menus) when the menu information is displayed; and a transmitter (66) for transmitting information concerning the selected option to the electronic device (e.g., TV, VCR). Therefore, it

would have been obvious to one of ordinary skill in the art at the invention was made to have used menus information as taught by Dunaway to the remote controller of Kim as modified by Shintani because by providing a series of nested menus to permit the user to selected subsequent menus, a highly complex device such as a satellite receiver, may be simply and easily controlled utilizing multimodal remote control device (see column 4, lines 36-41 of Dunaway.

As to claim 7, Kim clearly teaches the remote control unit being a personal digital assistant (see paragraph 0038).

Response to Arguments

5. Applicant's arguments filed July 21, 2004 have been fully considered but they are not persuasive.

On pages 7 and 8 of the Remarks, applicant argues that the display provided by Kim at the remote control is a display that is generated in the remote control device, not one that is generated in the television receiver, transmitted to the remote control and then display on the remote control, as required by the subject invention. Examiner disagrees with applicant that the display provided by Kim at the remote control is a display that is generated in the remote control device. Kim clearly states that "to transmit broadcast program information to the EPG remote controller on the basis of the concept shown in Fig.1" (see paragraph 0033), "Also the user can receive broadcast program information from the TV, VCR, set top box, PC or a home server through radio waves or the wire network, and transmit the broadcast program information to the

remote controller via wireless communication device such as the infrared ray device or the Bluetooth.(see paragraph 0047).

On page 7,last paragraph, applicant argues that Kim does not disclose "a processor in the electronic device that generates information to be displayed as an on-screen display, "transmitter in the electronic device that transmits the generated information as an OSD information signal". Again, examiner totally disagrees with applicant because the OSD information in Kim is generated from TV 112 which has processor (820 and 827) and transmitter (see paragraph 0040-0041).

On page 8, applicant argues that like Kim, Shintani also discloses sending EPG information for display on a remote control. This information is not in the form of an on-screen display. However, examiner disagrees with applicant because the information form on an on-screen display is clearly taught by Kim and Shintani. The reference of Shintani shows the advantage of OSD is to avoid obscuring the picture of on the television set 9see column 4, line 54 through column 5,line 7.

As to claims 3-4, 11-12 and 18-19, applicant argues Horton does not disclose "a processor in the electronic device that generates information to be displayed as an on-screen display, "transmitter in the electronic device that transmits the generated information as an OSD information signal". However, this limitation is clearly taught by Kim and Shintani as set forth in the rejection.

As to claims 6-7, 13 and 20, applicant presents the same argument that Dunaway does not disclose "a processor in the electronic device that generates information to be displayed as an on-screen display, "transmitter in the electronic

device that transmits the generated information as an OSD information signal". However, this limitation is clearly taught by Kim and Shintani as set forth in the rejection.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

C. Nguyen
October 30, 2004

CHANH NGUYEN
PRIMARY EXAMINER